

REMARKS

Claims 47 and 49-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams et al., U.S. Patent No. 5,977,964 (Williams) in view of Tsukidate et al., U.S. Patent No. 6,507,950 (Tsukidate). In light of the foregoing amendments and following remarks, Applicant respectfully requests the Examiner's reconsideration and reexamination of all pending claims.

Independent Claim 49 requires:

the set top receiver detecting one of the first portions of the first EPG stored in the RAM, which is **less frequently** accessed than the other first portions of the first EPG stored in the RAM;

moving the detector to one of the first portions of the first EPG stored in the RAM to the hard disk.

Applicants assert that the limitation of detecting a portion of the EPG which is less frequently accessed, is not taught or fairly suggested in the cited sections of Williams and Tsukidate. The Office Action does not allege that this limitation is taught within Williams. However, page 10 of the Office Action argues that this limitation can be found within column 13, lines 10-35 of Tsukidate. Applicants respectfully disagree. Column 13, lines 10-35 discuss the preparation of "program basic information." Specifically, this cited section of Tsukidate teaches that the basic program information may be prepared by extracting the information with **higher utilization frequency**. Extracting information with higher utilization frequency implies that information that is more frequently accessed is extracted. In contrast, independent Claim 49 requires detecting a portion of the EPG which is less frequently accessed than other portions of the EPG, and moving the detected portion.

Moving less frequently accessed information is not an insignificant limitation. Rather, as the Specification makes clear, this is an important aspect of independent Claim 49.

The Specification makes clear and it is well understood that access to information stored in RAM is rapid when compared to access of information stored on a hard disk, but RAM is more expensive to manufacture and install. *See* Background and Summary of instant application. As a result, there is a conflict between price and speed when selecting the amount of RAM to include in a set top receiver. The invention set forth in independent Claim 49 addresses this conflict by moving infrequently accessed portions of EPG out of RAM and into the hard disk, which in turn reduces the amount of RAM otherwise needed to operate a set top box with sufficient speed.

Ultimately, because Williams is silent on this feature of independent Claim 49 and Tsukidate teaches away by extracting information with higher utilization frequency, Applicants assert that independent Claim 49 is patentably distinguishable. The remaining claims depend directly or indirectly from independent Claim 49 and are patentably distinguishable for this reason.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Stephenson', with a long horizontal flourish extending to the right.

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